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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 ANTOLIN ANDREW MARKS,  
14 Plaintiff,  
15 v.  
16 TOM GILES *et al.*,  
17 Defendants.

Case No. C07-5572RJB

ORDER

20 This 42 U.S.C. § 1983/Bivens action has been referred to the undersigned Magistrate Judge  
21 pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4.

22 Mr. Marks now litigates under a sanction as a result of improper filings. As part of that  
23 sanction documents filed by Mr. Marks are submitted under seal for court review. Mr. Marks has  
24 filed one document since the yesterdays order (Dkt. # 5). Dkt. # 5 contains forms curing Mr. Marks  
25 in forma pauperis application. **Dkt. # 5 is now UNSEALED.**

26 Further, Plaintiff's application for leave to proceed *in forma pauperis* as amended (Dkt. #1, and

27  
28 REPORT AND RECOMMENDATION- 1

1 5) is GRANTED. Plaintiff does not appear to have funds available to afford the \$350.00 court filing fee.  
2 The court is aware that there is an issue as to whether Mr. Marks has funds in the form of checks  
3 available to him, however, that is an issue that should be fully briefed by the parties prior to the court  
4 considering if Mr. Marks can pay a partial or full filing fee in this case.

5 The Clerk is directed to mail a copy of this Order to plaintiff.  
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DATED this 29<sup>TH</sup> day of November, 2007.

/s/J. Kelley Arnold  
J. Kelley Arnold  
United States Magistrate